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Supreme Court, U.S.
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No. _____

IN THE
Supreme Court of the United States

RAYMOND CHARLES PERSIK,
Petitioner

v.

THE PEOPLE OF THE STATE OF COLORADO,
Respondent

On Petition For Writ of Certiorari
To The Supreme Court of Colorado

PETITION FOR A WRIT OF CERTIORARI

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65 pp

QUESTIONS FOR THE US SUPREME COURT

1. The first, and major question, is why the 2d successive Colorado criminal 35(c) motion was denied by the County Court Magistrate when the grounds of newly discovered evidence were so striking.

2. If a tape, of a court proceeding, is necessary for a defendant to prove allegations, in an initial CO Crim. Rule 35(c) motion to withdraw a plea, but it can not be located, can the tape be treated as accurate and unaltered if it is later found, and the tape proves elements of the defendant's initial claim? However, what if the tape contains information that the defendant has no memory of?

3. Has the United States Supreme Court addressed coercion, by a third party, occurring in the court?

4. Why didn't the county magistrate allow the plea to be withdrawn, when she was directed to a statement about the use of medicine, in the 2d 35(c) motion? Why didn't the magistrate ask the defendant to show proof of the medicine being used? Does the use of a major prescription tranquilizer still nullify the entrance of a plea of guilty? Can a defendant's rights now be waved if he, or she, is using a major tranquilizer (Risperidone)?

5. Can the allegations of coercion be addressed again in the second 35(c) motion due to new evidence corroborating some of the defendant's initial allegations? Is coercion by a prosecutor important? How can this Court protect the American people against false statements by prosecutors outside of the courtroom? Can this Court begin requiring a taped proceeding of all conversations between prosecution and the defense?

6. Should all defendants be permitted counsel in all cases in all 50 states? If the petitioner is correct, Colorado law permits the aid of counsel in a misdemeanor case only if the defendant is to be incarcerated; what is the purpose of waiving your right to counsel if you are not permitted the aid of such a person?

7. Did I.T Karl Swenson, of the Colorado State University Campus Police, have jurisdiction to make an arrest for a single, peaceful phone call from Carlisle, PA? Pursuant to 47 USCS § 223 (1995), should LT Swenson have requested Denver Federal Police prepare a warrant due to the phone call being placed from out of state?

8. Does the US Supreme Court play any part in ensuring, or supervising the security of the records on file in a courthouse?

9. Has the US Supreme Court addressed the issue of the influence of thoughts? If this alleged influence of thoughts later results in physical, sexual contact, is it rape (even if the influence was only used to set up the encounter)? Is attempting to influence the thoughts of another, to support a political issue, a violation of Amendment VIII, U.S. Constitution?

10. Are allegations of vehicular tampering and felony stalking, on the petitioner's return trip to Colorado, after placing the single phone call, but before the petitioner entered a plea of guilty, grounds in themselves for coercion?

11. Although it is not postured for review in this case, will this Court soon begin considering a father's rights concerning his unborn children to prevent allegations such as those contained in this case file? Can we learn something from the late Justice Byron White's statements concerning

Roe v. Wade, 410 US 113 (1973) as stated in *Doe v. Bolton* 410 US 179, 221 (1973)?

12. After filing, and completing a divorce over a borderline late-term abortion, can a father be used by various industries, or groups of people, in the form of Involuntary Servitude, in violation of Amendment XIII, U.S. Constitution, for remaining faithful to his moral and Christian beliefs until he, or she, is forced to change their Amendment I, U.S. Constitutional Rights of Free Speech and Religion?

13. Can the judicial branch of government serve as a checks and balance when the executive branch's local DA's office refuses to open an investigation, surrounding the events in this case for over 5 years?

14. If a petitioner can prove a federal conspiracy to deprive him of his, or her, rights was and still is occurring, can this Court assist in ensuring the petitioner is guaranteed his Amendment XIV, U.S. Constitution Rights in the future by remanding this case, or does the petitioner have to leave the USA?

15. The petitioner flew on former President W. Clinton's C141 Aircraft in early 1995, can a President, or Vice President, initiate the alleged federal conspiracy as mentioned in question 14? If initiated, can we now turn that into a positive experience by addressing the real concerns, of a majority of the US citizens, through appropriate channels in US Courts and other agencies?

16. Does question 9 above spark this Court to look deeper into the true status of Civil and Human Rights in America in 2002?

17. Pursuant to US Supreme Court Rule 12 (6), can the Colorado Supreme Court, or any other respondent in this case, file a

response supporting this petitioner within 20 days? Was the 2000 election decision intentionally hindered?

PARTIES TO THE PROCEEDING

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   Case No. 02-SC-154
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3. District Court Judge Terence A. Gilmore
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4. Magistrate Janet Lois Rodriguez
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   Mr. A. Lewis, M100185
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TABLE OF CONTENTS

QUESTIONS FOR THE US SUPREME COURT ii

PARTIES TO THE PROCEEDING v

TABLE OF CONTENTS vi

TABLE OF AUTHORITIES viii

CASES viii
STATUTES ix
CONSTITUTIONAL AUTHORITIES x
TREATIES x
RULES x
OTHER AUTHORITIES xi
OTHER REFERENCES xi

CITATIONS TO THE OFFICIAL AND UNOFFICIAL REPORTS OF THE OPINIONS AND ORDERS 1

Courts 1
Administrative Agencies 2

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES AND REGULATIONS 5

STATEMENT OF THE CASE 12

ARGUMENT 26

Part I. The Current Petition for Writ of Certiorari 26
Part II. History vs. Involuntary Servitude 29
Part III. Civil Rights, Equal Protection and Human Rights 30

Part IV. A Father's Right's Concerning His Unborn Child 32
Part V. US Government Support for Blue Collar Industries and the Entertainment Industry's Clear Support 32
Part VI.. A Conspiracy or God's Work.....33
Part VII. Politics over People or People ruling Politics..34
CONCLUSION..... 35
APPENDIX A-1
APPENDIX TABLE OF CONTENTS .....A- 1

TABLE OF AUTHORITIES

CASES

Cases

Doe v. Bolton 410 US 179, 221 (1973)..... iv
Hall v. Dworkin, 829 F. Supp. 1403, 1405 (1991).....16
League of Women Voters, 148 C. Cls. 561, 624 (1960).....35
Lorenzo v. Noel, 522 N.W. 2d 724 (1994).....26
M& D, INC. v. McConkey, 573 N.W. 281, 285 (1997).....26
Machibroda v. U.S., 82 S.Ct. 510, 513 (1962).....29
Memorial Oration by Justice Miller , 135 US 723, 724 (1887).....29
People v. Billips, 652 P.2d (Colo 1981).....5
People v. Harrington, 500 P.2d 360 (1972).....28
People v. Hubbard, 519 P. 2d 945 (1974).....27
Rodriguez v City of Chicago, 69 FEP Cases 993 (1996) 31
Roe v. Wade, 410 US 113 (1973)..... iv, 17
Rutan v. Republican Party of Illinois, 111 L Ed 2d 86 (1990) 35
Sanders v. U.S., 83 S. Ct. 1068, 1079 (1963) 17, 28
U.S. v. Mussry, 726 F 2d 1448, 1449 (1984) 31
U.S. v. Nixon, 94 S.Ct. 3090 (1974).....35
United States v. Darsey, 342 F. Supp. 311, 313 (E.D. Pa 1972) 6
VonPickrell v. People, 431 P. 2d 1003, 1005 (1967).....28
Waley v. Johnston, 62 S. Ct. 964, 966 (1946).....18
White v. Colorado, 115 S. Ct. 127 (1994).....34
Williams v. Benson, 141 N.W. 2d. 650 (1966).....26

STATUTES

Statutes

10 U.S.C.S. § 333 (1999) 10
18 U.S.C.A. § 241 ..... 9, 31
42 U.S.C.A. §1985 (3) 9
47 U.S.C.A. § 223 (a)(1)(D) 23
47 U.S.C.S. § 223 (1995) 6
C.R.S. 13-1-125 (1999) 21
C.R.S. 13-25-131 (1999) 7
C.R.S. 13-6-106 (2001) 10
C.R.S. 18-1-602 (1999) 8
C.R.S. 18-1-603 (1999) 8
C.R.S. 18-1-709 (2001) 9
C.R.S. 18-2-201 (2001) 9
C.R.S. 18-2-202 (2001) 11
C.R.S. 18-3-207 (2001) 8
C.R.S. 18-9-111 (1999) 6, 20
C.R.S. 18-9-111(g) (1999) 15
Moore's Federal Practice, 3rd Edition, Judicial Code, 28 U.S.C. § 1257 (a) 4
Utah Criminal Code, 76-10-1303 ..... 10, 15
Utah Criminal Code, 76-10-1304 14
WA Statute 9.02.120 ..... 9, 31

CONSTITUTIONAL AUTHORITIES

Constitutional Provisions

Amendment I, U.S. Constitution ..... iv, 10
Amendment IV, U.S. Constitution 10
Amendment VIII, U.S. Constitution ..... iii, 7, 20
Amendment XIII, U.S. Constitution ..... iv, 9
Amendment XIV, U.S. Constitution ..... iv, 9, 18, 27

TREATIES

Treatises

The United Nations Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment....7

RULES

Rules

111 F.R.D. 265, 300 32
CO Crim. Rule 35(c) ..... ii, 5, 15,18, 23
U.S. Supreme Court Rule 10(c) 4
U.S. Supreme Court Rule 13 3
U.S. Supreme Court Rule 14.1 (f) 5
U.S. Supreme Court Rule 29.2 4
U.S. Supreme Court Rule 29.4(b) or 29.4(c) 4
U.S. Supreme Court Rule 33.1 (d) 5
US Supreme Court Rule 12 (6) v

OTHER AUTHORITIES

Other Authorities
American Bar Association Standards 22-6.2 5

OTHER REFERENCES

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Variable Temperature Magic Angle Spinning Probe for Solid State Nuclear Magnetic Resonance; R. Persik.....12, 33
The Political Economy of Machine Politics, 4 Corruption and Reform 15, 30 (1989).....35
Voters, Elections, and Parties, G. Pomper, 255 (1988).....35
Why Political Machines Have Not Withered Away and Other Revisionist Thoughts, Wolfinger, 34 J. Politics 365, 384 (1972).....35

CITATIONS TO THE OFFICIAL AND UNOFFICIAL REPORTS OF THE OPINIONS AND ORDERS

Courts

1. *Persik v. People of Colorado*, 02-SC-154 (7-3-2002, Order denying Rehearing)

2. *Persik v. People of Colorado*, 02-SC-154 (6-17-2002, En Banc Order denying Petition for Writ of Certiorari)

3. *Persik v. People of Colorado*, 02-SC-154 (4-9-2002, Order granting Motion to Accept Petition for Writ of Certiorari Out of Time)

4. *Persik v. People of Colorado*, 01CV878 (2-4-2002, 1-4-2002, Order denying Appeal of County Court Magistrate Decision)

5. *People of Colorado v Persik*, 1999M100185 (7-5-2001, County Court Magistrate Denial of 2d Successive Motion)

6. *People of Colorado v. Persik*, 1999M100185 (1-28-1999, County Court Magistrate Denial of Extension of Time to File Appeal)

7. *People of Colorado v. Persik*, 1999M100185 (9-17-1999, Order denying CO Criminal Rule 35(c) Motion to Withdraw Plea.)

8. *People of Colorado v. Persik*, 1999M100185 (7-6-1999, County Court Ordered 45 days of 60 day Suspended Sentence for Love Letter sent through mail before expiration of 6 month No Contact Order)

9. *People of Colorado v. Persik*, 1999M100185 (2-1-1999, Entrance of Guilty Plea; 60 days Suspended Sentence; No Contact Order for 6 months)

Administrative Agencies

10. Federal EEOC (Denver); Dismissal of Charge for alleged untimely filing/Permission to Sue Letter dated 2-16-2001. Persik v. Colorado State University et. al, US Court of Appeals for the 10th Circuit, Case No. 02-1204 (Appellant Persik waiting request for Oral Argument)

11. Denver Office of the Federal EEOC; Formal Title VII Charge of Sex and Religious/Political Pro Life Discrimination, 2-6-2001.

12. Colorado State University (CSU), 4-18-2000; Dr. Denke's Decision **Letter** of the Admissions Review Board denying acceptance back into the Ph.D. in Chemistry program at Colorado State University (CSU).

13. CSU Letter, 5-28-1999; Ms. Hudgin's **Letter** alleging violations of Student Rights and Responsibilities.

14. CSU Letter, 3-1-1999; Ms. Hudgin's **Letter** summarizing conversation of 2-1-1999.

15. Holy Spirit Hospital; Camp Hill, Pennsylvania; Dr. Elisabeth F. Dell'Orfano, M.D.; Patient Discharge (with medication, dosage and frequency) dated 1-22-99 and Return to work/school on 1-27-1999.

16. CSU Letter, 1-14-1999, Ms. Hudgin's Letter alleging contact with Ms. M. Schreibman.

17. CSU Letter, 1-8-1998; Ms. L. Samer's Letter granting the Petitioner's appeal of Ms. Hudgin's 12-22-1997 decision.

18. CSU Letter, 12-22-1997; Ms. Hudgin's Letter outlining university disciplinary actions.

19. CSU Letter, 11-18-1997; Ms. Hudgin's Letter alleging violations of Student Rights and Responsibilities.

20. CSU Letter, 11-11-97; Ms. Cutler's (CSU Office of EO) Letter Requesting Initiation of Discipline Process on Petitioner.

21. CSU Informal Sexual Harassment Agreement, ~9-10-1997; **Verbal Agreement** with Ms. Cutler.

BASIS FOR JURISDICTION OF THE UNITED STATES SUPREME COURT

1. The Colorado Supreme Court denied the Petitioner's Petition for Writ of Certiorari on June 17, 2002. The petitioner filed a timely petition for rehearing on July 1, 2002. The petition for rehearing was stricken on July 3, 2002, and the order was certified on July 5, 2002.

2. U.S. Supreme Court Rule 13 allows for 90 days to file a Petition for Writ of Certiorari. Rule 13 (3) states: "but if a petition for rehearing is timely filed in the lower court by any party, the time to file …runs from the date of denial". The petitioner is praying that time runs from the certification of the order because otherwise the petitioner had less than 90 days.

3. U.S. Supreme Court Rule 29.2. "A document is timely filed if it is received by the Clerk within the time specified for filing; or if it is sent to the Clerk through the United States Postal Service by first class mail (including express or priority mail), postage prepaid, and bears a postmark showing that the document was mailed on or before the last day for filing."

4. The United States Supreme Court can review the decision of the state court of last resort, pursuant to U.S. Supreme Court Rule 10(c), if: "a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court".

5. Pursuant to Moore's Federal Practice, 3rd Edition, Judicial Code, 28 U.S.C. § 1257 (a) "Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where …or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, any commission held or authority exercised under, the United States."

6. The petitioner does not believe that any notifications are required by U.S. Supreme Court Rule 29.4(b) or 29.4(c).

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES AND REGULATIONS

The Petitioner believes that this section does not count toward the page limitation pursuant to U.S. Supreme Court Rule 33.1 (d) because U.S. Supreme Court Rule 14.1 (f) requires this information.

1. "Standards on successive motions for review", Section G. Successive Motions of CO Crim. Rule 35(c), Post conviction Remedies".

"The appropriate consideration is whether the defendant's constitutional claim has been fully and finally litigated in the prior post conviction proceeding. *People v. Billips*, 652 P.2d (Colo 1981)".

2. American Bar Association Standards 22-6.2 In *Billips*,supra, at 1063, the American Bar Association Standard Reads:

"Finality of a judgment in a post-conviction proceeding: repetitive applications: (a) The degree of finality appropriately accorded to a prior judgment denying relief in a post-conviction proceeding should be governed by the extent of the litigation upon the earlier applications. In particular, (i) a judgment dismissing an application, on its face, for want of sufficient allegations should not bar consideration of the merits of a subsequent application that adequately indicates a cognizable claim."

3. C.R.S. 18-9-111 (1999) "Harassment – stalking. (1) A person commits harassment if, with intent to harass, annoy, or alarm another person, he or she: (g) Makes repeated communication at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property"

4. 47 U.S.C.S. § 223 (1995). "Obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications

> Prohibited acts; penalties. Whoever-(1) in the District of Columbia or in interstate or foreign communication by means of telephone – (D) makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number"
>
> a. "venue would appear to be appropriate in either the caller's or the recipient's district."
>
> b. "With respect to the date or dates of a violation and whether or not the calls are 'repeated,' the calls should be 'in close enough proximity to one another to rightly be called a single episode, and not separated by periods of months or years.'" *United States v. Darsey*, 342 F. Supp. 311, 313 (E.D. Pa 1972).

5. C.R.S. 13-25-131 (1999). **See appendix**. "Civil actions – sexual assault – certain evidence presumed irrelevant.

6. a. Amendment VIII, U.S. Constitution. Excessive Bail Fines, Punishments.

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

b. The United Nations Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment.

At http://www.hrweb.org/legal/cat.html, the following statement is clearly written: "Article 2, Note 2, No exceptional circumstances whatsoever, whether a state of war, internal political instability or any other public emergency, may be invoked as a justification of torture." Part1 defines torture as the following: "torture means any act by which pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information...or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of, or with the consent or acquiescence of a public official."

7. C.R.S. 18-1-602 (1999). Behavior of Another.

"(1) A person is legally accountable for the behavior of another if: (b) He acts with the culpable mental state sufficient for the commission of the offense in question and he

causes an innocent person to engage in such behavior. (2) 'innocent person' includes any person not guilty of the offense in question, despite his behavior, because of duress, legal incapacity or exemption, or unawareness of the criminal nature of the conduct in question or of the defendant's criminal purpose..."

8. C.R.S. 18-1-603 (1999) Complicity. "A person is legally accountable as principal for the behavior of another constituting a criminal offense if, with the intent to promote or facilitate the commission of the offense, he or she aids, abets, advises, or encourages the other person in planning or committing the offense."

9. C.R.S. 18-3-207 (2001). Criminal Extortion.- Aggravated Extortion. "(1) A person commits criminal extortion if: (a) The person, without legal authority and with the intent to induce another person against that other person's will to perform an act or to refrain from performing a lawful act, makes a substantial threat to confine or restrain, cause economic hardship or bodily injury to, or damage the property or reputation of, the threatened person or another person..." **See Appendix**

10. Amendment XIV, U.S. Constitution; Equal Protection, 42 U.S.C.A. §1985 (3), 18 U.S.C.A. § 241, Conspiracy against rights, and C.R.S. 18-2-201 (2001). Conspiracy.

> "A person commits conspiracy to commit a crime if, with the intent to promote or facilitate its commission, he agrees with another person or persons that they, or one or more of them, will engage in conduct which constitutes a crime or an attempt to commit a crime, or he agrees to aid the other person or persons in the planning or commission of a crime or of an attempt to commit such crime." See Appendix

11. WA Statute 9.02.120. Unauthorized abortion – Penalty. (Omitted from appendix.)

12. Amendment XIII, U.S. Constitution. Slavery Abolished, Enforcement. "Section 1 Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Section 2. Congress shall have power to enforce this article by appropriate legislation."

13. C.R.S. 18-1-709 (2001). Entrapment. See Appendix

14. 10 U.S.C.S. § 333 (1999). Interference with State and Federal law.

> "The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it- (1) so hinders the execution of the laws of that State..." **See Appendix**, "(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws."

15. C.R.S. 13-6-106 (2001), Original Criminal Jurisdiction. **See Appendix**

16. Amendment I, U.S. Constitution, Freedom of Religion, Speech and Press; Peaceful Assemblage; Petition of Grievances. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech..."

17. Amendment IV, U.S. Constitution. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated..."

18. Utah Criminal Code, 76-10-1303, 1304. Patronizing a prostitute and Aiding prostitution respectively.

19. C.R.S. 18-2-202 (2001). Joinder and venue in conspiracy prosecutions.

> (1) Subject to the provisions of subsection (2) of this section, two or more persons charged with criminal conspiracy may be prosecuted jointly if:

(a) They are charged with conspiring with one another, or

(b) They are charged with being involved in conspiracies that are so related as to constitute different aspects of a scheme of organized criminal conduct.

STATEMENT OF THE CASE

1. The petitioner was the general chemistry, teaching assistant for the alleged victim in the Spring Semester 1997 at Colorado State University in Fort Collins, Colorado. The petitioner, and the victim, did talk on numerous occasions outside of the classroom.

2. The petitioner was currently completing a divorce, from his wife of 10 years, resulting from the taking of his unborn son's life on 9-27-94. The divorce was filed for in September 1996 while working as a chemistry instructor in Peru, Nebraska, and the divorce was finalized on 6-13-1997.

3. Upon successful completion of the semester, on 5-16-97, the petitioner requested permission to date the alleged victim from Dr. Nancy Boldt of the Department of Chemistry. On Friday evening, the alleged victim came to campus to meet the petitioner. After midnight, the petitioner alleges that both parties kissed consensually on and off for 2 hours. The alleged victim dropped the petitioner off at his apartment. On Tuesday, 5-20-97, the petitioner alleges that the two parties kissed, again consensually, for approximately 4 hours beginning around 10:00 pm at the petitioner's apartment. These were the only two intimate occasions between the two parties.

4. The petitioner planned on traveling to the United States Air Force Academy in Colorado Springs on July 21, 1997, to look into the possibility of becoming an instructor. The petitioner holds a Master of Science Physical Chemistry on the construction of a Variable Temperature Magic Angle Spinning Probe for a Solid State Radio Frequency Magnetic Resonance Spectrometer. The petitioner alleges that he had no intention, until the morning of 7-21-97, of going to Rocky Mountain National Park. At the intersection of US 36 and

US 34, the petitioner can still remember the alleged "Influence of Thoughts" discussed in question 9 of this petition. The petitioner remembers a similar episode in late July 1992 in Yakima, WA.

5. The petitioner will skip forward to 8-29-97. The alleged victim previously requested the petitioner not contact her. The petitioner needed to go the hospital, and he requested a friend call her because he had no one else to call, and the petitioner did not have medical coverage, and he was struggling to maintain his real property and continue his education toward a Ph.D. in Chemistry. The petitioner later contacted by Sgt Higney, of the Colorado State University (CSU) campus police. He stated not to talk to the alleged victim, and he stated that the petitioner would not see him again. The following week, after no added contact, the CSU EO office contacted the Petitioner. Ms. Cutler had the petitioner enter into a verbal no contact agreement. The petitioner held his word until October 31, 1997.

6. The petitioner alleges that he was being stalked on the campus of CSU by the alleged victim and her friends. On 10-31-1997, after a previous near collision with the victim in the department of chemistry's tutorial room, the petitioner talked to the alleged victim. No foul words, or nasty statements, were used. The petitioner saw the alleged victim every day that he was on campus for the next several days. On 11-10-97, the petitioner approached the alleged victim, and he requested that she stay away from him. She returned to the CSU EO office.

7. The petitioner was informed, in writing, that he violated a campus no contact agreement. The petitioner went to a hearing at the University's Office of Judicial Affairs conducted by Ms. Anne Hudgins. The petitioner had nearly 7 or 8 witnesses present explaining that the petitioner was the one being allegedly harassed.

8. The petitioner was restricted by Ms. Hudgins from contacting the alleged victim until her graduation in May 1999. The petitioner appealed the decision, that he be held completely responsible for avoiding all contact, the appeal was granted; however, for some unknown reason, the petitioner dismissed his appeal on 1-20-98 dating the letter 9-20-98.

9. The petitioner had no problems avoiding contact in 1998. The petitioner dated Ms. Jill Schroeder from 3-13-98 until approximately 7-10-1998. The petitioner, and Ms. Schroeder, had no difficulties when they were at her mother's house in Denver or in Southwest Colorado on a 3-day vacation. During the same time, the petitioner tutored two alleged co-conspirators from January 1998 to September 1998. Please look at the last date mentioned above.

10. Throughout the summer of 1998, the one alleged co-conspirator and the petitioner traveled to numerous National Parks in the Western United States. The petitioner is an amateur photographer, and he enjoys hiking. The petitioner, and the alleged co-conspirator, went on one of these trips alone to the backcountry in Brice Canyon National Park.

11. In November 1998, the petitioner traveled to Dugway Proving Grounds just west of Salt Lake City, UT. The petitioner went out on his own expense to ensure that he understood the impact area's limitations for annual training in March 1999. On the return trip to Colorado, the petitioner can swear to this court that someone was guilty of Utah Criminal Code, 76-10-1304, and therefore, the petitioner could be found guilty of Utah Criminal Code, 76-10-1303. The petitioner clearly remembers the alleged influence of thoughts while driving in downtown Salt Lake City, UT. This is the last "extremely intimate contact" that the petitioner has had.

12. Also, in November 1998, the petitioner's ex-wife stated: "she was going to arrange to have him put down for life so that he could never get up as long as he lived". In addition, she stated, in the same phone conversation, that she "could arrange to have the petitioner used". (The petitioner is making this a formal statement; the petitioner believes that it will not be hearsay.) The petitioner was allegedly constantly reminded, about the alleged victim, by one of the co-conspirators that he still had limited contact with. He tutored this person in December 1997 for the last time.

13. The petitioner contacted the alleged victim, from Pennsylvania, on January 2, 1997 at about 2 am (MST) according to phone records. The petitioner remembered this time to be ½ an hour earlier. The petitioner can state precisely what the person, using an unknown frequency, allegedly influenced him to say and do. This issue is addressed for the first time in the 2d successive CO Crim. Rule 35(c) at 15, under review by this Court. Is C.R.S. 18-9-111(g) (1999) applicable over state lines without a court ordered no contact order in place?

14. The petitioner's mother, in Pennsylvania, requested that he see a doctor concerning a different concern. The doctor, after a 2 minute discussion, requested that the petitioner use the drug Risperidal. The petitioner could not afford the drug, and he purchased a substitute.

15. The petitioner left Pennsylvania on 1-8-99 to attend duty in Richmond, MO with the MO ARNG on 1-9-99. The battery, located in Richmond, is called Truman's Own (D 1/129 FA).

16. The petitioner's exercise was cancelled; however, he planned on attending 1 day of drill in Maryville, MO, and he planned on attending CAS3 training with LTC Breckenridge

in Colorado on Sunday. CAS3 is the next military course necessary for the petitioner in his military schooling. The petitioner arrived in Maryville, but he was allegedly influenced to leave. (Duty was not mandatory for him that day due to the course.) The petitioner had the first problem in his life controlling the speed and steering of his automobile in Nebraska. In *Hall v. Dworkin*, 829 F. Supp. 1403, 1405 (1991), "that he believed defendants tracked and made attempts to run into his vehicle". The petitioner has a very good idea of the woman initiating this type of alleged behavior. This issue was presented in the reply brief on appeal of the county court magistrate's decision.

17. The petitioner was asked to return to Pennsylvania when arriving in Colorado by both family and his roommate, Mr. Scott Miller. The petitioner took a train to Pennsylvania. In Pittsburgh, the petitioner's trip was changed by the conductor. The petitioner was allegedly influenced to jump off a moving train in Western Maryland. The petitioner took a can of Lysol with him to fix the phone satellite on the roof of the moving train.

18. The petitioner was asked to go to voluntary therapy at Holy Spirit Hospital. The petitioner was not aware that he was signing into therapy that involved overnight stays. The petitioner is very against the use of drugs; therefore, it was difficult to convince the petitioner to take any medicine. (The previous medication was a problem.) The petitioner was released from voluntary therapy on January 22, 1999. This is the anniversary of the landmark case of *Roe v. Wade*, 410 US 113 (1973).

19. The petitioner returned to Colorado, with his mother, on January 28, 1999 by way of the Greyhound bus. In western Nebraska, the petitioner again experienced a problem; he was influenced to purchase a small diamond ring in a truck

stop for the alleged victim that he just talked to on January 2, 1999.

20. The petitioner was arrested upon returning to the Chemistry department on January 28, 1999. The campus appeared evacuated when the petitioner was escorted out of the building. The petitioner's mother bailed him out. The petitioner filed to leave the state on January 29, 1999 to visit his mentally handicapped sister at Holy Spirit Hospital. The petitioner later learned that the request was approved, but he was not told until after entering a plea.

21. The petitioner requested to see the DA on Monday, February 1, 1999. Mr. McLaughlin stated to plead guilty and there would be no jail time. The petitioner returned to the court, and he entered a plea of guilty under the influence of a major tranquilizer. This issue is addressed at 3 in item 7 of the official record above. The use of the medicine is also discussed in the 2d 35(c) Motion, the appeal and the Petition of Writ of Certiorari filed in the Colorado Supreme Court. In *Sanders v. U.S.*, 83 S. Ct. 1068, 1079 (1963), clearly states that: "because of the influence of this tranquilizer, the defendant could not have voluntarily and understandingly waived his most important constitutional rights as required when a defendant pleads guilty". Therefore, the petitioner states that a Federal issue was also addressed in the initial CO Crim. Rule 35(c) filed on 9-1-99.

22. The petitioner changed his mind, on the record, after being informed of the elements of the charge. The petitioner clearly entered a plea of not guilty on the record. This is discussed in the 2d 35(c) motion because the tape was missing before the first 35 (c) motion was filed.

23. The petitioner was coerced into changing his plea, on the record, by his own mother. Again, this transcript was not

available on 9-1-99 when the 1st motion was filed to remove the plea.

24. The petitioner, and his mother, left the courtroom with a not guilty plea still entered, and they both talked to Mr. McLauglin again. He stated that the victim's father would pursue stalking charges if the petitioner did not plead guilty. Again, the petitioner made one friendly phone call for the first time in 14 months with no court order in place preventing contact. The allegations of coercion are addressed in the initial 35(c) motion, item 7 of the record, at 4. "The defendant asserts that this alleged coercion is a violation of the Due Process Clause of Amendment XIV, U.S. Constitution as defined by the U.S. Supreme Court in *Waley v. Johnston*, 62 S. Ct. 964, 966 (1946). In Magistrate Rodriguez's Order, dated 9-17-99, she states: "free of coercion" in the first sentence. No hearing took place with the petitioner present. Mr. McLaughlin took a job with a private law firm shortly after this case. The petitioner is asking this Court to consider the possibility of intentional fraud on the part of Mr. McLaughlin.

25. The petitioner returned to the courtroom and entered a plea of guilty **the same day**. In the Order, by the Honorable Judge Gilmore, dated 1-4-2002, he states, at 2,"It appears to the Court that the Appellant, at some later date, decided to change his plea for reasons that are not clear to the Court". Later the same day, the petitioner took his 1998 and 1997 tax information to Jackson Hewitt in Fort Collins. The petitioner would never allow anyone to touch his taxes. He is still missing the correction to his 1997 Federal and State tax return that was paid for. Subsequently, the petitioner has not been able to file a US Tax Return until this is located. The Petitioner was informed that the owner of that office can't be located.

26. The petitioner returned to Pennsylvania until annual training in Utah. After annual training, the petitioner returned to his home in Washington State to sell his real property that was previously rented out. The petitioner discussed the possibility of the influence of thoughts with two very intelligent scientists. Dr. M. Schurr , U of WA Department of Chemistry, and Dr. Eugene Deardorff from Shippensburg University in Pennsylvania. The petitioner had no desire to contact the alleged victim because he dearly loved Julie Sage from Colorado State University since a short time after meeting her in September 1997. Dr. Schurr stated: "you are a scientist; you know this is possible". Dr. Deardorff made a similar comment, but he also said that he thought it is possible this is a general mechanism for influencing a political candidate. The petitioner is in agreement with his closest male role model, Dr. Eugene Deardorff. He is the greatest mentor of the petitioner's adult life, and he is a role model for all men in the subjective opinion of the petitioner.

27. In April 1999, while waiting for the proceeds from the sale of his real property in Lincoln, NE, the petitioner had a date in Sioux Falls, South Dakota with a young woman he met on the way back from both Canada and annual training in Wisconsin in 1998. After the date, where the couple went to see the movie October Sky, he experienced the alleged influence of thoughts after requesting Angela for a kiss on her couch in her apartment. The allegations are that an unknown person attempted to have the petitioner go further than he, or Angela, wanted. The petitioner could locate this person. After leaving, the petitioner was allegedly informed, "She would be the last woman that I would ever kiss".

28. The petitioner returned to Colorado to attempt to work for the summer, and he discussed transferring to the Department of Chemistry at the University of Illinois. The petitioner sent Ms. Schreibman, the alleged victim, a love

letter after she graduated. Now, the victim can prove with the aid of science that his thoughts were being manipulated. THE PETITIONER WANTED NO CONTACT WITH THIS WOMAN, and he immediately knew that his thoughts were influenced in violation of Amendment VIII, US Constitution. The petitioner immediately tried to get the letter out of the mailbox, but he did not want to break in.

29. The petitioner was arrested again on June 2, 1999. The petitioner refused to plead guilty to another count of Harassment Inconvenient Hours because the alleged victim picked up her mail at 2:00 pm.

30. The charge was changed to violation of a suspended sentence and violation of a restraining order that the petitioner claims did not exist. (A Court Ordered No Contact Order did exist.) If the petitioner had pleaded guilty, the charge would have been a Felony offense for sending a Love letter. If a defendant commits another violation of C.R.S. 18-9-111 (1999), while under a Court Ordered No Contact Order, it is a Felony offense by CO law.

31. The petitioner located C.R.S. 13-1-125 (1999) immediately after being released from detention in the Law Library at the University of Colorado. The petitioner wrote a 35(c) motion, and his attorney, Brad Johnson, stated that he could file it himself. The motion was filed on September 1, 1999. The motion was denied on September 17, 1999 by the county court Magistrate. The Order is in the appendix, and it is item #7 of the Citations to the Official and Unofficial record...section of this document. The petitioner immediately began receiving threats. The petitioner was told by Mr. Bill Morrow, while working for Mr. Morrow in camera sales, "you do not know what they (men (the petitioner knows this is a very select few people that are allegedly this abusive) will do to you if you return (to Colorado)." The petitioner's words are very close. Dr.

Deardorff appeared afraid for the petitioner to return to Colorado, but he suggested that the petitioner get out of Pennsylvania.

32. The petitioner returned to Washington per advice of his dearest friend in Pennsylvania named above. In Washington State, where the Petitioner calls home, the petitioner was taken by the arm, while reaching for his wallet, by a Federal Police Officer outside of the Federal Center in Seattle, and he was allegedly told "police, or men, are going to teach you or 'ta' you". The petitioner has the officer's card, and there were riots in Seattle caused from the WTO conference. The officer was assigned to the Denver Federal Police detachment. The petitioner just had a knife pulled on him weeks before this. The petitioner returned to Colorado to begin to fight the alleged crimes and the alleged continuous employment discrimination.

33. In January 2000, the petitioner was choked by two men days after obtaining a new job. He was released from his new job on the very next shift after being warned by a police officer "things get worse before you get off of the street".

34. In January 2000, a letter was written to Mr. Taylor of the Fort Collins' Office of the DA. The petitioner never received a response. In March 2000, a letter was sent to the Missouri Adjutant General concerning the events of 1998-1999 before going into an Inactive Status with the MO Army National Guard. The petitioner alleged that he thought that someone was trying to influence the outcome of the US Presidential elections. The letter was answered, and it states that the petitioner's letter will be kept on file.

35. On August 25, 2000, the petitioner filed a lengthy request for investigation with the US Attorney's office in Denver, CO. The secretary was changed around 1630 while

the petitioner stepped out to copy the document. The petitioner maintains a copy.

36. On Monday, October 16, 2000, the alleged radio frequency was used in its most inhumane manner. It is possible to make a human being scream at the top of their lungs. In general, the petitioner believes that the frequency being utilized exceeds 20kHz. Below 20kHz, the human ear can differentiate the tone of human speech. Above, 20 kHz, this is not possible. In addition, this differentiates the alleged influence of thoughts with a disease such as schizophrenia. The petitioner returned to WA State to pick up a card signed by the alleged victim with the word love. This was only to prove that this was an alleged confidence game. While traveling from Sultan to Monroe on WA State Hwy 20, in the rain, the frequency was utilized with large trucks passing the petitioner. For the record, the petitioner was using a BCA bicycle purchased from a thrift store for under $30 (US), and the bike was not safe. The petitioner was told that he was supposed to die upon arriving in Monroe to pick up a check from the owner of a private company where an employee allegedly assaulted the petitioner on September 25, 2000 in Rainier, WA, for the alleged victim's fun in this case.

37. On November 27 and December 4, 2000, the petitioner filed two Questionnaires with the Denver office of the Federal Equal Employment Opportunity Commission. On December 22, 2000, while visiting family in PA for the holidays, the petitioner was allegedly hit by a car while riding his bike. The fact is the petitioner was walking his bike miles away from that location. The petitioner woke up from an alleged coma in a hospital late Christmas night. The alleged drug used was Haldol; it is not in the petitioner's file, and the drug causes coma in excess doses.

38. The petitioner filed a new CO Crim. Rule 35(c) Motion on July 3, 2001. The motion was denied on July 5, 2001 by the county court magistrate. The petitioner identified 47 U.S.C.A. § 223 (a)(1)(D) covers interstate calls at 4, and the petitioner began putting together potential proof that this was an alleged conspiracy. Furthermore, the petitioner alleges throughout the document that this was a conspiracy over his strong pro life beliefs after losing his son in 1994. The petitioner outlined what some parties appear to call "art". The petitioner describes all the elements of a conspiracy; however, it is not until the Petition for Writ of Certiorari that the conspiracy is clearly outlined. In addition, the petitioner clearly alleges, in the petition for writ of certiorari to the Colorado Supreme Court at 5, the possibility of the involvement of Mr. Al. Gore.

39. The petitioner would like to outline what he have "heard" described as "art". The petitioner is merely stating facts.

a. 709

(1) The petitioner's Missouri Army National Guard unit is headquartered in Maryville, MO at 709 College Park Drive on the campus of Northwest Missouri State College.
(2) The law office of Sarah Weddington was 709 14th Street in Austin, TX in 1973.
(3) In 1990, the petitioner was assigned to 1-11 Field Artillery on 7-17. The orders were numbered 709-136 (or 136-709). The petitioner's ex-wife's ex-boyfriend was from Bolivia, South America. He was doing his internship with the International Monetary Fund, which promotes abortion in the world to the best of the petitioner's knowledge. The petitioner's ex-wife did not want him to tell anyone that they dated.
(4) The area code to St. John's, New Foundland is 709. John 3:16 is a famous bible passage that the petitioner will not insult this Court be reciting.

b. 613

(1) The Area Code to Ottawa, Canada is 613. The petitioner received his requested divorce on 6-13-97.
(2) In Chemistry, Carbon-13 is the basis of life. Carbon is the 6th element (or 6-13). Carbon-13 is the basis for the petitioner's Master of Science defense.
(3) Furthermore, if you pressure Carbon (graphite) you get diamond. In Washington State, Black Diamond is located next to Auburn, WA.

c. 717

(1) The area code to central Pennsylvania is 717.

(2) The statutes for adultery in title 10 are located on pg 717 of the addition checked.
(3) The petitioner was assigned to 1-11 FA on 7-17-90.

d. The use of an alleged frequency to alter, or influence, thoughts.

(1) The cited Colorado statute is on page 283 of the 1999 Colorado Revised Statutes.
(2) The 283 is written in the Equal Employment Opportunity Questionnaire.
(3) The petitioner is a scientist with an entire chapter in his thesis dedicated to radio frequency electronics. Please ask yourself a question, do you want a human to put in your mind who you love? The most precious gift that we have as humans is the power to love. Why would we want to take that away from any human sole.
(4) The petitioner's father's last mail box was P.O. Box 283; Mechanicsburg, PA 17055. The man is one of the most abusive men that the petitioner has ever met. In 1985, the petitioner's father threatened to kill him with a gun. The man has numerous high power rifles.

40. Numerous people from various entertainment industries appear to have knowledge of the events of the past 8 years; more specifically, the petitioner is certain that numerous celebrities have knowledge of the past 5 years of events since just before the entry of a plea of guilty up until the present. The fact is that the petitioner hopes the majority of these people have good intentions. However, it is evident that a hand full of people did not have good intentions in 1999 and 2000. **The petitioner is requesting that he not be asked to provide the names and circumstances beyond three**

or four movies. Entrapment was released in 1999 before the petitioner was allegedly coerced into sending a love letter that resulted in 45 days jail time from the plea entered on February 1, 1999. In addition, Conspiracy Theory was released in either 1996 or 1997; the MK Ultra Mind Control Experiment is in the movie. The names of the Schreibman twins are **M**ollie and **K**ate Schreibman.

ARGUMENT

Part I. The Current Petition for Writ of Certiorari

1. The Petitioner is innocent of the crime in question. The Petitioner alleges that his own blood family and friends have been forced to participate in what is called "Silent Fraud", "A fraud arising out of the suppression of the truth is as prejudicial as that which springs from the assertion of a falsehood, and courts have not hesitated to sustain recoveries where the truth has been suppressed with the intent to defraud", *Williams v. Benson*, 141 N.W. 2d. 650 (1966). "Additionally, a claim of 'silent fraud' requires a plaintiff (the Petitioner in this case) to set forth a more complex set of proofs", *M& D, INC. v. McConkey*, 573 N.W. 281, 285 (1997), *Lorenzo v. Noel*, 522 N.W. 2d 724 (1994). The Petitioner's ex-wife went by the nickname "M" in e-mails; the alleged victim, Ms. Schreibman, lived at 141 Lyons when she began the alleged fraud in Fort Collins. Furthermore, the Petitioner states that he was temporarily involved with a woman nick named "D" in 1994 for less than 4 weeks. The Petitioner is alleging that the politicians were driving the alleged conspiracy, to deprive him of the Equal Protection clause of Amendment XIV, U.S. Constitution.

2. Successive Motions. "If a second or successive motion is filed, it may be summarily dismissed without a hearing unless the trial judge finds failure to include newly asserted grounds for relief in the first motion is excusable", *People v. Hubbard*, 519 P. 2d 945 (1974) The Petitioner will clearly state that the court tape was missing when he filed the first CO Crim. Rule 35(c) motion on September 1, 1997. In fact, a statement is attached to the first petition, in the record, stating that the court tape was missing. Courthouse personnel looked for the tape for the Petitioner, but they could not locate it.

(a) The Court tape contains a clear statement that the District Court judge must have overlooked. The statement is made by the Petitioner's mother. In the transcriber's transcript at 6, she states: "He's guilty – he is guilty of making the phone call." This follows the Petitioner changing his plea to Not Guilty while under the influence of the major tranquilizer Risperidone. The Petitioner's mother again states "And I wanted to make sure that he could go back home and get his medicine adjusted." In March 1999, an Air Force Counselor, at Hill Air Force base told the Petitioner to stop using the tranquilizer. The Petitioner did not use any while serving as the Fire Direction Officer for the 1-129 Field Artillery Battalion in the first two weeks of March 1999 at Dugway Proving Grounds, Utah. This would have endangered numerous lives.

(b) The use of the medication is regulated by this Court when entering a plea of guilty. This Court stated in *Sanders v. U.S.*, 83 S. Ct. 1068, 1079 (1963). "Because of the influence of this tranquilizer, the Defendant could not have waived his most important constitutional rights as required when a defendant pleads guilty", *People v. Harrington*, 500 P.2d 360 (1972)

3. The allegations of coercion were denied by the Magistrate in her Order dated 17 September 1999. The Petitioner has yet to obtain a simple evidentiary hearing. In the US Army's new concept of terrorism, the alleged victim in this case is viewed as a terrorist by the Petitioner. The petitioner views her as against the basic principles of honesty, integrity and common human decency, and a person never wanting to accept responsibility for the harm that she, and her alleged co-conspirators engaged in..

(a) Specifically, the Petitioner alleged the district attorney threatened him after his mother allegedly coerced him on the record that was missing. The Petitioner did not have the record available for the first motion as stated above. Therefore, does the allegation of coercion by the DA return to life after a written statement of coercion on the record. Specifically, the DA allegedly threatened the Petitioner with a Felony, emphasis added, Harassment – Stalking charge for saying Happy New Year, and a few more friendly statements, from another state on January 2, 1999.

(b) The Petitioner believes that both the U.S. Supreme Court and the Colorado Supreme Court have made it clear that "A guilty plea, if induced by promises or threats which deprive it of character of a voluntary act, is void." *VonPickrell v. People*, 431 P. 2d 1003, 1005 (1967); *Machibroda v. U.S.*, 82 S.Ct. 510, 513 (1962).

(c) Can this Court recommend that states implement case law requiring, or suggesting, the use of a tape recording device at all meetings where a defendant is without counsel in a meeting with a district attorney? Is it necessary when any defendant goes in front of a county or district court?

4. The major argument that the petitioner is relying on as new evidence is an alleged conspiracy, pursuant to all of the statutes mentioned in this document in the appropriate prior

section. The Petitioner will elude to these specific areas, as much as time and space permit, in the following sections of this document.

Part II. History vs. Involuntary Servitude

1. In *Memorial Oration by Justice Miller* , 135 US 723, 724 (1887),, Justice Miller reminds the Court about the importance of Freedom in this country and the world. He states:

"Interest in the Fourth of July, as a birthday of our national life, or the event which then occurred, shall be subordinated to any other national history." Supra, at 723, "May it be long before the people of the US shall cease to take a deep and pervading..."

2. The Petitioner completed the scientific part, of his undergraduate studies, in Franklin Science Center on the campus of Shippensburg University in Pennsylvania. Supra, at 727, is Ben Franklin's nomination of General George Washington. Is it a coincidence that in the sister case, 1999M101206, the Petitioner entered into a Deferred Prosecution for sending a Love Letter, due to an allegation of "thought influence" on 7-27-99. Is it yet one more coincidence that the Denver Federal Police Department is numbered 135? Is it yet another coincidence that the Petitioner was a member of the 135th Field Artillery Brigade out of Sedalia (assigned to a unit of the brigade in Maryville, MO)?

3. Finally, is it mere coincidental that the 185th day, of a normal year, is July 4?

4. Gettysburg, PA is a short distance from where the Petitioner grew up. He traveled to the battlefield many

times, and Lincoln's words ring through his mind. "Four Score and Seven Years ago today". The Petitioner graduated in 1987 with a BS in Chemistry and Biology. The key number is 87? Perhaps, We as Americans, need to review once in awhile why we are Free to Choose. It is truly because so many people have died for those rights. If we take those rights away from any man, woman or child, are we living up to the standards that our government sets for the world? In very few countries can a citizen argue his, or her, views, in a case, all the way up to the Supreme Court of the Country. The Petitioner pleads with this Court to show all of the people, aware of what has allegedly happened, that this freedom will forever be protected. The Petitioner is writing this section very late, and he will not be able to cite one of the justices of this Court, pertaining to this freedom.

5. The most modern case of Involuntary Servitude, that the petitioner could find is *Mussry;* the Court defines involuntary servitude by stating: "when an individual coerces another into his service by improper or wrongful conduct that is intended to cause, and does cause, the other person to believe that he or she has no alternative but to perform the labor", *U.S. v. Mussry*726 F 2d 1448, 1449 (1984)..

Part III. Civil Rights, Equal Protection and Human Rights

1. The petitioner alleges that his son was illegally taken pursuant to WA Statute 9.02.120. Unauthorized abortions. The petitioner alleges that he is being denied most of his constitutional rights until he supports abortion, which will never happen, or the petitioner support an industry that he does not wish to spend his life in. 18 U.S.C.A. § 241 is one of the numerous federal statutes applicable in this case. 17241 is the zip code of Newville, PA where the petitioner attended high school. The mill, where the petitioner built his

Eagle Scout Project is Laughlin Mill. The name of the district attorney was McLaughlin on 2-1-99.

2. In *Rodriguez v City of Chicago*, 69 FEP Cases 993 (1996), a catholic police officer stood up for his rights not to perform his work at an abortion clinic. Please imagine, for a moment, being forced to live with someone in a personal manner that supports the taking of what the Petitioner views as a crime against God and Humanity. If one of the alleged victims in this case is not pro choice, and if it was a confidence game to get her recognition, than imagine how the father, the Petitioner, feels about not only the loss, but the alleged exploitation of the loss of his unborn son. As a matter of pure coincidence, the Magistrate in the County Court Case, 1999M100185, is J. L. Rodriguez.

3. The petitioner alleges that this was a conspiracy before he left Pennsylvania. It appears that the frequencies were used, on an occasional basis, prior to the daily use that started on 1-9-99 and ended on 8-9-2002. The petitioner was allegedly coerced into unwanted sexual contact on numerous occasions, and in the end, the petitioner would be forced into a life of Involuntary Servitude in a sales type industry back east, as discussed in the preceding section.

4. The Influence of Thoughts would be considered a violation of numerous regulations within the United States. Most importantly, it is a violation of basic civil and human rights pursuant to previously mentioned authorities (now in the appendix). What can we learn from this is the most important question at hand.

a. In Lima, Peru, an organization recently motioned, or petitioned, to have a trial in Denver, Colorado because of the corruption in Peruvian courts. The company, that the law suit is against, was headquartered in Denver, CO. In 111 F.R.D. 265, 300, the Court states: "Certainly public respect

for the judicial system is important. Equally certainly, the judicial system's respect for each individual is important."

b. In Europe and Southeast Asia, women are still exploited. The petitioner believes that we can learn what it feels like to be exploited against your will in a case like this. This helps US all understand what some of the horrible crimes that women experience against them must feel like.

c. In late 1999, and many times in 2000, the Petitioner could not afford to eat. This is not being said for sympathy. We can learn how the people of Cuba, or other countries, must feel like, when food is not available due to the conduct of the government. Is it the people's fault?

Part IV. A Father's Right's Concerning His Unborn Child

This section would best be said by viewing the movie Star Trek IV. The Petitioner believes that We, as a Nation, must go back and review the late Justice Byron R. White's opinion pertaining to *Roe v. Wade*. The Petitioner completed his Master's degree on a Variable Temperature Magic Angle Spinning Probe for a Nuclear Magnetic resonance. Whether the people of Colorado, or the U.S., planned it or not, we can truly use this as a probe of the status of human rights, civil rights and personal attitudes towards the life of the unborn in this Nation's courts. If the allegations, by the Petitioner are correct, this Court must begin preparing for a difficult decision in the years ahead. We, as a people, can not make it acceptable to take the life of any child for the purpose of politics.

Part V. US Government Support for Blue Collar Industries and the Entertainment Industry's Clear Support

1. The petitioner believes that the Colorado Supreme court truly could not order the case remanded to the District Court for a trial de novo with good conscious. This Court had to see what is potentially going on in the courts of the US. In addition. If we examine the apparent strong influence of the entertainment industry in the Petitioner's life, we can look at music by a country group called Alabama. They have two songs that come to mind; the first is: "Angels Among US" and the second title is: "Pass it on Down". The Petitioner's son's name was Angel; therefore, he is biased to this song.

2. The point is that the Petitioner alleges that his GRE's were fixed in 1997 when moving to Colorado by a certain person. The Petitioner's analytical score was 730. The same semester of college, the petitioner's mother received the new address of 730 Opossum Lake Road. What is important here is the third comment. The Colorado Department of Labor has an office at 730 Simms street in Lakewood, CO. The Petitioner was forced, and sometimes voluntarily, performed numerous blue collar jobs for low pay in Colorado, Pennsylvania and Washington since the entry of his plea of Guilty against his will. If the people are to ever put pressure on pro choice people for added rights in the US, don't we need the support of the blue collar labor pool. When discussing Equal Protection measures of Amendment XIV, U.S. Constitution, doesn't history tell us that the blue collar industries have more complaints about equal protection?

Part VI.. A Conspiracy or God's Work

The beauty of the term "Art" is it is like Love. It is truly in the eyes of the beholder. The Petitioner has stated numerous facts in this petition, and in this case; however, we can choose to turn all of that "art" into a huge benefit for the people of the US. In *White v. Colorado*, 115 S. Ct. 127 (1994), the Court discusses "especially heinous, cruel or

depraved manner". The local cite is 37 Colo D2d_206. The area code of Seattle, WA, where the Petitioner lost his son in 1994, is 206. The late Mr. White was born in Ft. Collins, CO, where this case originated. Do we want to protect the Burger court legacy? The Petitioner maintains that he was influenced to eat at Burger King on 6-13-97 prior to his divorce from his legal wife of 11 years. The person believed responsible has a first name beginning with K, and the Petitioner believes that she is very pro choice, but she is a Republican.

Part VII. Politics over People or People ruling Politics

1. "The Miami League (of women voters) has never contributed to or been affiliated with a political party, nor has it every endorsed, approved or opposed any candidate for public office." *League of Women Voters*, 148 C. Cls. 561, 624 (1960).

2. In *Rutan v. Republican Party of Illinois*, 111 L Ed 2d 86 (1990), the court cites: *The Political Economy of Machine Politics*, 4 Corruption and Reform 15, 30 (1989)

3. Voters, Elections, and Parties, G. Pomper, 255 (1988); *Why Political Machines Have Not Withered Away and Other Revisionist Thoughts*, Wolfinger, 34 J. Politics 365, 384 (1972).

3. The Petitioner was married in 1986 on the anniversary of the Nixon case. *U.S. v. Nixon*, 94 S.Ct. 3090 (1974). The Petitioner leaves this question at the mercy of this Honorable Court: Were the People of the US trying to get inside government to ensure that government is representing the people of this great Nation? The Petitioner truly thanks this Court for reviewing this Petition for Writ of Certiorari.

CONCLUSION

The petitioner prays that this Court, will grant this Petition. The Petitioner is not guilty of the crime in question, and the Petitioner does not want to spend his life in a state of Involuntary Servitude to a person that he does not love or a place where he is continuously miserable. The petitioner put his heart and soul into the majority of the work contained in the legal documents on file in both state and federal courts in Colorado, and the Petitioner truly feels that there are justices here that truly care about addressing some of the problems with OUR Country. This Court must take this petition seriously; WE cannot let any woman, or man, think that a child's life can be taken and exploited in the manner that the Petitioner alleges took place since 1994 when his son was lost.

We simply must learn to respect all life better by more visual support for equal protection. Many people here in Colorado have gone out of their way to help all the handicapped since this "event" began in 1999. The petitioner never witnessed this much support for the people in this Country that need help the most: the handicapped, the disabled and the poor. The Petitioner has a sister that was born mentally handicapped, nearly 40 years ago, on October 15, 1962.

The petitioner has raised his voice so many times at People in Colorado associated with the apparent, alleged and documented wrong doings surrounding the loss of his son in 1994 and his divorce to a woman that supports the issue that the Petitioner is so dead set against, abortion. In addition, the apparent restriction on employment, and restrictions on the petitioner's natural lifestyle, do not lend to lowering his voice. However, in the Petitioner's subjective view, only one thing matters in the end: We must continue to spread the principles of Democracy, in all aspects in the United States of America, and on the Earth, until the day all of the World's people are truly Free to Choose.

In addition, someday soon, as a minimum, WE, as a Nation, must consider granting a father an equal decision in the life of their unborn child. The petitioner is not capable of supporting the taking of an innocent, unborn human life. The petitioner's son was lost on 9-27-94. Psalms 94 starts with: "O LORD, the God who avenges,". In Chemistry, 927 could be "written" as UN in a form of "art". The petitioner's son was stillborn on 9-29-94. The Petitioner considers his home to be in the Puget Sound Area in Western Washington State; In Chemistry, Pu is the symbol for element 94. Is there a message here? Does a song title, sung by Garth Brooks that Tom Turner of FM 99.1 in Windsor, CO played at perfect times, tell us anything? The song title is:

"We Shall Be Free".

Respectfully submitted this 7th day of December 2002.

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APPENDIX

A- #

APPENDIX TABLE OF CONTENTS

CO S Ct ORDER dated July 3, 2002; certified July 5, ..A-2

CO S. Ct. En Banc ORDER dated JUNE 17, 2002.....A-3

CO S. Ct ORDER dated April 9, 2002.....A-4

Larimer County District Court Order dtd January 4, 2002
.....A-5
Larimer County, County Court Stamp dtd July 5, 2001
.....A-8
Larimer County, County Court Order dtd Sept. 17, 1999
.....A-9
10 USCA § 333 (1999).....A-11

C.R.S. 13-6-106 (2001). Original Criminal Jurisdiction
.....A-11
C.R.S. 13-25-131 (1999) Civil Actions – Sexual Assault
.....A-12
C.R.S. 18-1-709 (2001). Entrapment. A-14

C.R.S. 18-2-201 et. seq. (2001). Conspiracy.....A-16

C.R.S. 18-3-207 (2001)- Criminal extortion –
aggravated extortion.....A-17

Supreme Court, State of Colorado
Two East 14th Street Avenue
Denver, CO 80203

CERTIORARI TO THE DISTRICT COURT
LARIMER COUNTY, 01CV878
COUNTY COURT, LARIMER COUNTY, 99M185

Petitioner:

RAYMOND CHARLES PERSIK,

vs.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

ORDER OF THE COURT

Upon consideration of the Petition for Rehearing pursuant to C.A.R. 40 filed in the above cause, and now being sufficiently advised of the premises,

IT IS ORDERED that said Petition shall be, and the same hereby is STRICKEN, C.A.R. 54(b).

BY THE COURT, JULY 3, 2002

Certified to be a full, true and correct copy, July 5, 2002

Supreme Court, State of Colorado
Two East 14th Street Avenue
Denver, CO 80203

CERTIORARI TO THE DISTRICT COURT
LARIMER COUNTY, 01CV878
COUNTY COURT, LARIMER COUNTY, 99M185

Petitioner:

RAYMOND CHARLES PERSIK,

v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

ORDER OF THE COURT

Upon consideration of the Petition for Writ of Certiorari to the District Court of Larimer County, and after review of the record, briefs, and the judgment of the District Court,

IT IS THIS DAY ORDERED that said Petition for Writ of Certiorari shall be, and the same hereby DENIED.

BY THE COURT, EN BANC,
JUNE 17, 2002

Certified to be a full, true and correct copy, JUN 17, 2002

Supreme Court, State of Colorado
Two East 14th Street Avenue
Denver, CO 80203

CERTIORARI TO THE DISTRICT COURT
LARIMER COUNTY, 01CV878
COUNTY COURT, LARIMER COUNTY, 99M185

Petitioner:

RAYMOND CHARLES PERSIK,

vs.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

ORDER OF THE COURT

Upon consideration of the Motion to Accept Petition for Writ of Certiorari Out of Time and Motion for Extension of Time to File the District Court Record filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that said Motion shall be, and the same hereby is GRANTED..

BY THE COURT, APRIL 9, 2002

Certified to be a full, true and correct copy, APR 10, 2002

District Court, Larimer County, State of Colorado
201 LaPorte Avenue, Suite 100
Fort Collins CO 80521-2761
(970) 498-6100

Plaintiff-Appellee:: The People of the State of Colorado,

vs.

Defendant-Appellant::Raymond Charles Persik,

Case No. 01CV878
Courtroom: 5A

ORDER

This matter comes before the Court on the appeal of Appellant-Defendant Raymond Charles Persik. The Court has reviewed the Opening Brief of the Appellant, the Answer Brief of the People, and the Trial Court record.

The Court, in reviewing the Opening Brief of Appellant and the Amendment filed thereto, determines that the issue on appeal to be resolved by this Court is the sufficiency of the Trial Court's advisement to Appellant prior to acceptance of his guilty plea on February 1, 1999 to the charge of harassment. Appellant's Opening Brief sets forth numerous other issues that are not properly before this Court. Issues regarding missing altered affidavits, jurisdiction of the CSU police department, counterfeit prosecutions and Appellant's religious beliefs cannot be considered by this Court as they have no basis as grounds for appeal.

As set forth by the People in their Responsive Brief, the Court must examine the record and determine if Appellant's plea to harassment was made freely, knowingly, intelligently and voluntarily, and that it was not the result of undue influence, coercion, threats or promises. In reviewing

the record as a whole, this Court is satisfied that Appellant's plea was made after deliberation and thought, after proper advisement by the Court, and therefore, comported with constitutional requirements. The Defendant initially demonstrated a clear understanding of the advisement and elements that the People were required to prove by entering a plea of Not Guilty. The change of his plea to guilty appears to have been done with reflection, and clear understanding of the nature of the charge and the rights that the Court had previously reviewed with the Appellant. There is no evidence in the record to indicate any undue influence by the People or the Appellant's mother. Likewise, there is no evidence of any type of medication or intoxicant that might affect the Appellant's judgment. It appears to the Court that the Appellant, at some later date, decided that he desired to change his plea for reasons that are not altogether to this Court. However, such a change of heart, at a later time, is not sufficient cause to withdraw a guilty plea. The record simply does not support the reasons and allegations made by Appellant in his brief.

The Court finds Appellant was sufficiently and properly advised by the Trial Court prior to the entry of Appellant's guilty plea on February 1, 1999, and therefore denies Appellant's appeal.

Dated this 4th day of January, 2002.

BY THE COURT:

Terence A. Gilmore
District Court Judge

CERTIFICATE OF MAILING

This is to certify that n the 4th day of February, 2002, a true and correct copy of the above and foregoing Order was delivered placing said copy in the attorney pick up files located in the Larimer County Justice Center, 201 Laporte Avenue, Suite 100, Fort Collins, Colorado, and/or placing in the US Mail, postage prepaid, addressed as follows:...

...

...

_____

Ellen Ring

COUNTY COURT, LARIMER COUNTY, STATE OF COLORADO
Case Number 1999M100185, Courtroom 1A

MOTION TO WITHDRAW PLEA OF GUILTY PURSUANT TO C.R. CRIM. P. 35(c)

THE PEOPLE OF THE STATE OF COLORADO
Plaintiff,
vs

RAYMOND CHARLES PERSIK
Defendant.

DENIED Pursuant to Rule, the Court need not entertain successive Motions.

Janet L. Rodriguez
MAGISTRATE
7-5-01

THE PURPOSE OF THIS IS TO SHOW THE DENIAL OF THE MOTION BECAUSE THIS IS THE MOTION THAT THIS PETITION IS BASED ON
****NO INFORMATION WILL BE CITED ACCEPT THE CASE NO. AND THE DENIAL****

COUNTY COURT, LARIMER COUNTY, CDORADO
Case No. 99M100185, Courtroom 7

ORDER DENYING MOTION TO WITHDRAW PLEA OF GUILTY

The People of the State of Colorado,
Plaintiff

vs.

RAYMOND CHARLES PERSIK
Defendant

The Court finds that Defendant's plea was a knowing and voluntarily guilty plea, free of coercion, and was based upon the Defendant acknowledging that the victim had made it clear to Defendant that she did not want Defendant to contact her and further acknowledging that the victim would have felt any contact from Defendant would be harassing, annoying or alarming to her, and that nevertheless, Defendant did phone the victim early in the morning to wish her a happy new year. Defendant was present with his mother, and after an initial arraignment and after consultation with his mother, Defendant decided to plead guilty to harassment. Defendant freely admitted he, having been told to not contact the victim, was on notice that the victim would find it annoying if Defendant contacted her. Knowing she wanted no contact, Defendant phoned her anyway. Defendant is culpable for that decision. The Court therefore denies defendant's Motion to Withdraw Guilty Plea.

DATED AND signed this 17th day of September, 1999.

BY THE COURT.

JANET L. RODRIGUEZ
County Court Magistrate

FILED IN COUNTY COURT
LARIMER COUNTY SEP 17 1999

10 U.S.C.S. § 333 (1999) Interference with State and Federal law.

President, by using militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, and insurrection, domestic violence, unlawful combination, or conspiracy, if it-

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

C.R.S. 13-6-106 (2002). Original Criminal Jurisdiction

1) The county court shall have concurrent original jurisdiction with the district court in the following criminal matters:

(a) Criminal actions for the violation of state laws which constitute misdemeanors or petty offenses, except those actions involving children over which the juvenile court of the city and county of Denver or the district courts of the state, other than in Denver, have exclusive jurisdiction;

(b) The issuance of warrants, the conduct of preliminary examinations, the conduct of dispositional hearings pursuant

to section 16-5-301 (1), C.R.S., and section 18-1-404 (1), C.R.S., the issuance of bind over orders, and the admission to bail in felonies and misdemeanors

C.R.S. 13-25-131 (1999). Civil actions – sexual assault – certain evidence presumed irrelevant.

(1) In any civil action for damages by an alleged victim which alleges damages resulting from a sexual assault on a client by any person who enters into a professional-client relationship that permits professional physical access to the client's person or the **opportunity to affect or influence the thought processes or emotions of such client, including, but not limited to**, actions for professional malpractice or assault and battery, evidence of specific instances of the victim's prior or subsequent sexual conduct, opinion evidence of the victim's sexual conduct, and reputation evidence of the victim's sexual conduct shall be presumed to be irrelevant, except as provided in subsections (2) and (4) of this section. The persons to whom this subsection (1) applies in a civil action against such persons shall include any psychotherapist as defined in section 18-3-405.5, C.R.S., and medical… (1) shall also apply in a civil action against a parent or other person, in a position of trust, power, or authority over any child or other person, in a civil action by or on behalf of such other person.

C.R.S. 18-1-709 (2001). Entrapment

The commission of acts which would otherwise constitute an offense is not criminal if the defendant engaged in the proscribed conduct because he was induced to do so by a law enforcement official or other person acting under his direction, seeking to obtain evidence for the purpose of prosecution, and the methods used to obtain that evidence were such as to create a substantial risk that the acts would be committed by a person who, but for such inducement, would not have conceived of or engaged in conduct of the sort induced. Merely affording a person an opportunity to commit an offense is not entrapment even though representations or inducements calculated to overcome the offender's fear of detection are used.

Source: L. 71: R&RE, p. 411, § 1. C.R.S. 1963: § 40-1-809.

Am. Jur.2d. See 21 Am. Jur.2d, Criminal Law, § § 244, 246- 267, 477-479.

C.J.S. See 22 C.J.S., Criminal Law, § § 58-63.

Law reviews. For article, "Criminal Law", which discusses a recent Tenth Circuit decision dealing with the entrapment defense, see 61 Den. L.J. 272 (1984).

Entrapment may be asserted as an affirmative defense only to acts that would otherwise constitute an offense and is not applicable to sentencing provisions such as the sentence enhancing provisions of § 18-18-107, which merely impact the degree of punishment imposed. Vega v. People, 893 P.2d 107 (Colo. 1995).

The defense of entrapment has long been recognized in Colorado when the prosecution, through its agents, in fact, induces, instigates, and causes a criminal offense to be committed. People v. Bucher, 182 Colo. 211, 511 P.2d 895 (1973).

States are free to define defense of entrapment as they

choose, since it is not of constitutional stature. Bailey v. People, 630 P.2d 1062 (Colo. 1981).

This section is patterned upon § 40.05 of article 40 N.Y. Penal Law Consol. Bailey v. People, 630 P.2d 1062 (Colo. 1981).

Detection of crime distinguished from entrapment. A suspected person may be tested by being offered the opportunity to transgress the law in such a manner as is usual in the activity alleged to be unlawful. However, law enforcement officers may not induce persons, who would not otherwise have committed the crime, to violate the law. The former is legitimate "detection" of crime. The latter is "entrapment" to commit the crime in which the officer's conduct instigates the offense, the commission of which was nonexistent in the mind of the intended victim of the entrapment. Gonzales v. People, 168 Colo. 545, 452 P.2d 46 (1969).

To prove entrapment, the defense must show that the prosecution played the primary role. People v. Bucher, 182 Colo. 211, 511 P.2d 895 (1973).

Test of entrapment focuses on defendant's conduct. In determining whether the affirmative defense of entrapment exists, the court focuses on the conduct of the defendant. An examination is made of the circumstances surrounding the sale to see whether the officers merely afforded the defendant the opportunity to commit the offense, or whether the defendant had been improperly induced to do something he otherwise would not have done. People v. Williams, 654 P.2d 319 (Colo. App. 1982).

Entrapment is a subjective test that focuses on a defendant's state of mind. This section does not set forth general standards for police conduct. Thus, evidence of federal drug enforcement agency's system for rewarding and promoting agents was irrelevant to a narcotics case where entrapment issue was raised. People v. Aponte, 867 P.2d 183 (Colo. App. 1993); Vega v. People, 893 P.2d 107 (Colo. 1995).

While police methods are relevant to the defense of entrapment, police motives are not relevant because they do not impact the subjective state of mind of the defendant. However, such motives may be relevant for the purpose of establishing bias in DEA agents' testimony. Vega v. People, 893 P.2d 107 (Colo. 1995).

C.R.S. 18-2-201 et. seq. (2001). Conspiracy

(1) A person commits conspiracy to commit a crime if, with the intent to promote or facilitate its commission, he agrees with another person or persons that they, or one or more of them, will engage in conduct which constitutes a crime or an attempt to commit a crime, or he agrees to aid the other person or persons in the planning or commission of a crime or of an attempt to commit such crime.

(2) No person may be convicted of conspiracy to commit a crime, unless an overt act in pursuance of that conspiracy is proved to have been done by him or by a person with whom he conspired.

(3) If a person knows that one with whom he conspires to commit a crime has conspired with another person or persons to commit the same crime, he is guilty of conspiring to commit a crime with the other person or persons, whether or not he knows their identity.

(4) If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are part of a single criminal episode.

(4.5) Conspiracy to commit any crime for which a court is required to sentence a defendant for a crime of violence in accordance with section 16-11-309, C.R.S., is itself a crime of violence for the purposes of that section.

(5) If a person conspires to commit a felony which is defined by any statute other than one contained in this title and for which conspiracy no penalty is specifically provided, he is guilty of a class 6 felony. If a person conspires to commit a misdemeanor which is defined by any statute other than one contained in this title and for which conspiracy no penalty is specifically provided, he is guilty of a class 3 misdemeanor.

C.R.S. 18-3-207 - Criminal extortion - aggravated extortion.
(1) A person commits criminal extortion if:

(a) The person, without legal authority and with the intent to induce another person against that other person's will to perform an act or to refrain from performing a lawful act, makes a substantial threat to confine or restrain, cause economic hardship or bodily injury to, or damage the property or reputation of, the threatened person or another person; and

(b) The person threatens to cause the results described in paragraph (a) of this subsection (1) by:

(I) Performing or causing an unlawful act to be performed; or

(II) Invoking action by a third party, including but not limited to, the state or any of its political subdivisions, whose interests are not substantially related to the interests pursued by the person making the threat.

(2) A person commits aggravated criminal extortion if, in addition to the acts described in subsection (1) of this section, the person threatens to cause the results described in paragraph (a) of subsection (1) of this section by means of chemical, biological, or harmful radioactive agents, weapons, or poison.

(3) For the purposes of this section, "substantial threat" means a threat that is reasonably likely to induce a belief that the threat will be carried out and is one that threatens that significant confinement, restraint, injury, or damage will occur.

(4) Criminal extortion, as described in subsection (1) of this section, is a class 4 felony. Aggravated criminal extortion, as described in subsection (2) of this section, is a class 3 felony.

Source: L. 71: R&RE, p. 421, § 1. C.R.S. 1963: § 40-3-207. L. 75: Entire section amended, p. 618, § 8, effective July 21. L. 81: Entire section amended, p. 981, § 4, effective May 13; entire section amended, p. 974, § 8, effective July 1. L. 82: (2) amended, p. 623, § 17, effective April 2. L. 94: Entire section R&RE, p. 1619, § 1, effective May 31.

Am. Jur.2d. See 6 Am. Jur.2d, Assault and Battery, § 26.

Law reviews. For article, "Criminal Law", which discusses a recent Tenth Circuit decision dealing with extortion, see 62 Den. U. L. Rev. 153 (1985).

This section is applicable to efforts to collect a legally enforceable debt. People v. Rosenberg, 194 Colo. 423, 572 P.2d 1211 (1978).

This section and § **18-9-111**, which classifies harassment as a misdemeanor, address separate and distinct crimes and the classification of such offenses have a rational basis in fact and are reasonably related to legitimate government interests. People v. Czemerynski, 786 P.2d 1100 (Colo. 1990).

Statute is facially overbroad because it sweeps within its reach both protected and unprotected speech. Whimbush v. People, 869 P.2d 1245 (Colo. 1994).

Statute is facially overbroad because it also covers constitutionally protected threats of collective action in support of group demands. Whimbush v. People, 869 P.2d 1245 (Colo. 1994).

A specific intent requirement does not eliminate overbreadth concerns when the effect associated with the intent provision, here, to induce another to act against his or her will, encompasses a substantial amount of protected activity. Whimbush v. People, 869 P.2d 1245 (Colo. 1994).

The trial court must vacate defendant's conviction and sentence for criminal extortion where the statute requires extensive revision to comply with constitutional requirements and rewriting the statute is more appropriately left to the general assembly rather than to the court. Whimbush v. People, 869 P.2d 1245 (Colo. 1994).

This section gives sufficient notice of the proscribed conduct and is not unconstitutionally vague. A person of reasonable intelligence could conclude that phone calls made with the intent to threaten the victim is prohibited. People v. Czemerynski, 786 P.2d 1100 (Colo. 1990).

Applied in People v. Hearty, 644 P.2d 302 (Colo. 1982).